IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY PETITION NO. 28 OF 1993

In the matter of Seth Woollens Pvt. Ltd.

B.I.F.R. ... Petitioner.

None for the Petitioner.
None for the Petitioner.

CORAM : DR. D.Y. CHANDRACHUD, J.

14TH JUNE, 2007.

P.C. :-

1. The Registrar of the B.I.F.R. by a communication dated 30th March 1992 communicated to the Registrar of this Court an order of the B.I.F.R. under Section 20(1) of the Sick Industrial Companies (Special Provisions) Act, 1985 to the effect that it was just and equitable that the Company (Seth Woollens Pvt.Ltd.) should be wound up. An Appeal preferred against the order of the B.I.F.R. was dismissed by the A.A.I.F.R. on 6th September 1993. By an order dated 7th January 1993 the Office was directed to treat the papers sent by the Registrar of the B.I.F.R. as a Company Petition for winding up. There is no material before the Court to

indicate that the order passed by the A.A.I.F.R. has been set aside in any proceedings before the Competent Court thereafter. An affidavit dated 3rd April 1997 has been filed by the Director of the Company, Shiv Prakash Seth, stating that the Petition filed before the Delhi High Court to challenge the order of the A.A.I.F.R. was dismissed on 4th July 1996. It appears from the letter of the Company's Advocate dated 31st March 1997 that a Special Leave Petition filed before the Supreme Court was pending. Nothing has been drawn to the attention of the Court to suggest that the order of the A.A.I.F.R. and/or the Delhi High Court had been varied or reversed.

2. In the circumstances, the opinion formed by the B.I.F.R. recording that it is just and equitable to winding up the Company is confirmed and the Company is ordered to be wound up. The Official Liquidator is appointed as Liquidator of the assets, business and properties of the Company.